

The Intelligencer.

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TUESDAY MORNING, MARCH 1.

The Railroad Question in West Virginia—The Wilson Bill.

Agitation in regard to excessive local railroad charges are rife all over the country. The various legislatures of the land abound with discussions in regard to them. The courts are constantly called to pass upon the enactments in these legislatures for the regulation of freight and passenger charges. There is seemingly an irrepressible conflict between the railroads and the public. Two years ago the New York Legislature raised a special committee to examine into a great public grievance growing out of special rates, in which it was shown that certain shippers received decided advantages over other shippers in the same localities. The revelations made were of the most astonishing character.

The Ohio Legislature has been a fruitful theatre of railroad legislation, and some of the Judges of that State have been inclined to go to the length almost of Judge Black's remarkable letter to the New York Chamber of Commerce touching the indistinguishability of the power of a legislature to regulate traffic on the railroads of that State, anything in their charters to the contrary notwithstanding. It was held in one instance that no one generation of legislators can forever bind posterity to its injury by an unwise and unguarded charter granted in the infancy of a great system of commerce such as the railroad system of the country. It was laid down that there must be remedial power where adequate to the development of the system, and the necessities and rights of succeeding generations under the system; that otherwise one generation could mortgage posterity to the very verge of destruction, by binding it hand and foot and rendering it forever helpless.

In all this conflict there has as yet been no settled and accepted legislation evolved in the Western States where legislation has been more carefully guarded, because of the experience of the older States, the railroads have been made to feel the power of what are known as Granger restrictions. These restrictions have resulted in modifications and equities in the way of reduced local charges on the railroads that have sensibly relieved and diminished the friction between the public and the carrier corporations. Still, there is a great clamor "all over the West for inter-State commerce legislation at the hands of Congress. This clamor will never die until Congress asserts its authority under the Constitution to regulate the great and growing railroad commerce of the country. Our country is so vast, its productions so immense, and its domestic and foreign competitions in all branches of industry so multifarious and so severe, that the necessity for some central and controlling power to regulate charges on the far reaching railroad system of the nation is seen and acknowledged by all intelligent and disinterested persons. When men like Jay Gould, Vanderbilt, Scott, Garrett and others, can by the mere power of their millions, secure the control of thousands of miles of railroad, and put the trade of the country under tribute by a single act of their caprice or cupidity, growing out perhaps of their interests in the stock market, the whole country may well be alarmed at the exercise of such autocratic and despotic authority. The power is felt to be too absolute and irresponsible to be exercised by one man or a combination of men. There must be a check on such trifling with the public interests, and where else but in the law-making power of the nation, among the representatives of the whole body of the people, can such a check be safely lodged.

We refer to this subject at this time because in our own State there is a great deal of agitation in regard to the right of the Legislature to deal with the railroads of the Commonwealth in the matter of local charges. Two years ago a large portion of the session of the Legislature was taken up with this same agitation. Then it was the Baltimore and Ohio Railroad that was arraigned before the bar of the representatives of the people, to answer for alleged grievances inflicted on the local interests along its extensive railway line in this State. We need not go into a statement of the complaints preferred against the company. They were made thoroughly familiar to the public at the time, and were mainly comprehended in the one charge of excessive local rates, and while it did not appear from the comparative tables submitted by the company that their rates were materially, if indeed at all, higher than the average local rates on certain other lines, yet the discrepancies as between these rates, and the through rates of the road were so wide that the public demanded that there should be such changes as would at least diminish these discrepancies, and thus give the towns and villages and various private industries along the line a better show for development in the great competitive struggle of the times for business.

This agitation two years ago had its uses, and while it was inclined to go to unwarrantable and impracticable lengths, yet it resulted in good to the general interests of the public, as also to the best interests of the Baltimore & Ohio Company. No one can fail to recognize that there has been a better feeling towards that company all along its line than formerly. The road, mainly through the efforts of the Second Vice President, overhauled and modified its local rates, and remedied certain well ascertained hardships to an extent that allayed the bitter hostility formerly rampant against the company. This much good was accomplished by the agitation two years ago. Therefore we may say that it was worth all it cost.

Now we have a renewal of the agitation at this session of the Legislature. This time mainly in regard to local discriminations on the Chesapeake & Ohio road—a road that bears the same relation to the southern portion of the State that the Baltimore & Ohio road does to the Northern portion. Mr. E. W. Wilson, of Kanawha, has taken Col. Dan Johnson's place two years ago, and is to-day the prominent proponent of the Chesapeake & Ohio company, as Col. Johnson was of the Baltimore & Ohio. He has had many witnesses summoned to substantiate certain

alleged grievances on the part of the people of the Third District. How far he has made out a case we would not undertake to say, but we think that few persons would claim that he has made out his whole case. There is no doubt cause of complaint in some particulars along that line, but Mr. Wilson's bill, like some of the legislation proposed two years ago, is simply impractical. As an example, he reduces the carriage of freight to a purely mileage basis—so much per ton per mile. This at first glance may look like the perfection of equity to a great many people. What could be fairer than to charge shippers so much per ton per mile, allowing more, pro rata, for short hauls than for long hauls. And yet "summun jus summun injuria" is an old and well established maxim, and it has its application in this proposed legislation. For instance, it allows a railroad company to charge 6 cents per ton per mile for any distance not exceeding 5 miles for the transportation of coal. This means that for the hauling of ten tons of coal five miles a railroad company shall receive \$3, or \$1 50 if it hauls only five tons in the car. Now can a railroad company furnish a car, switch it in and out at any coal mine, haul it five miles, leave the car for a certain length of time for unloading, haul it back empty, and leave it again to be loaded, for \$3 per car. We take it that the supplying of coal to local points within five miles of any mine that may be opened, can not, in the nature of things, be a paying business at that price. If the car could be promptly loaded back with return freight it might pay, but any one could see that the cars thus employed would not be apt to get return freight. They would travel one way empty. Probably the average time required for a car to thus earn \$3 would not be less than three days, saying nothing of the expense of moving and switching it.

But this is not all. The mileage basis forbids (1) all grouping and averaging of coal mines scattered along a railroad, say fifty miles apart. There are important coal mines scattered along the Chesapeake & Ohio road, as there are also along the Baltimore & Ohio. The basis forbids (2) all special rates for coal or other products. The tendency would be to give the mines nearest to tide water, at the eastern terminus of the B. & O., a very decided advantage over those lying further west on the road. And the same thing is true of the mines on the Baltimore & Ohio road. If we are not mistaken, the mileage basis of Mr. Wilson's bill makes a difference of about twenty-eight cents per ton in favor of the Newburg mines as against those of Fairmont, some fifty miles apart. This means that the former might ship coal at a rate that would dry up the business of the latter. There are times when this result would certainly occur.

This thing of geographical position is a serious matter in the calculations of a railroad company. As an illustration of how important it is deemed, we will venture to quote the following extract from some remarks made by Mr. Keyser of the Baltimore & Ohio road, two years ago, on this very point. He was speaking of wild schemes of pro-rating freight, and he illustrated this measure as follows: "Yesterday a gentleman came in here with a plan by which he said all the trouble could be avoided. He explained that if the railroad company would make a proper difference in the rates for shipping cattle at various points along the line of the Parkersburg branch, and also in the rate on general merchandise received at the same points, our complaints will be met. I said to him, let me understand you perfectly. You mean that if we would ship from each point, a few miles apart, at different rates, that that would be popular. Yes, said he, that is what I mean. My dear sir, said I, so far from that being popular, it would breed a perfect pandemonium in a week. Don't you see that parties living at all the various points along the line would be set by the ears. Some would haul their stuff or drive their stock away from the proper points nearest to them, to one a few miles nearer to the point of destination, and we would be offering a premium for them to do so. Experience has shown us that such a policy is radically unfair, and hence we have, as all railroads have done, consolidated certain stretches or divisions of our line under one tariff of rates, and in that way we have equalized rates on a fair average, and thereby protected all the interests along our road. To illustrate this difficulty still further, I will relate a conversation that I had with a prominent lumber man of Piedmont. He claimed the advantages of his geographical position over the traction lumber interests, and insisted that the company should discriminate in its favor. I told him that it was impossible for the company to comply with his demand, as in that case we would put Graton at a great disadvantage in the market, and perhaps bring her down altogether. Well, said he, let Graton look out for herself, and help herself timber down to Pittsburgh, or help herself in some other way. No, said I, that would not be right and the company will never do it. We will simply give you half way back to Graton and bring her half way forward, and make the same rate for both of you, and as far as we have the power put you both in market on terms of equality. The gentleman saw the point at once in his proper light, and acknowledged that his plan would not work. He said that the notwithstanding he had thought a good deal on the subject, he had never thought of it in the light of a general average for the protection of a large number of interests which the company was interested in keeping alive."

The foregoing remarks of Mr. Keyser illustrate the principle involved in the feature of the Wilson bill that we are considering. They serve to show the impracticability of the mileage basis in the running of railroads.

Mr. Wilson's bill undertakes to regulate not only the rates of transportation on freight carried from point to point within the State, but between points outside of the State and from those within the State. We regard this as an absurdity in its bill, for we venture to say that no principle is better settled by the decisions of the United States Supreme Court than that a State has no control over passengers or merchandise carried from one State to another. On what pretext could the West Virginia Legislature control the rate on a barrel of flour from Cincinnati to a point five miles within the State of West Virginia on the line of the Chesapeake & Ohio road. On what pretext could it control the rate on a car load of nails from Wheeling to Chicago. This is the province of Congress, as asserted in the Reagan bill now before that body, and not the province of a State. Mr. Wilson's bill in this particular simply a usurpation, and as such entirely nugatory. No railroad would regard it as a day.

There are various reasons arising out of necessity why freight can be carried very low between distant points, like the respective termini of the Baltimore & Ohio road at Chicago and Baltimore, and that we do not obtain as between one of these termini and a point in West Virginia, or as be-

tween two points in the State. In the first place, there is the all important consideration of return freights. Two years ago the fact came out that the Baltimore & Ohio road was carrying coal from Piedmont to Chicago at a half cent per ton per mile. This is two-tenths of a cent less than the lowest rate fixed by the Wilson bill for the longest haul in the State. The explanation was that the same cars that carried coal to Chicago at this low rate came back loaded with Michigan pine lumber for the Cumberland and Baltimore markets. Between the loads each way the railroad company got a living rate on transportation in a very dull season, and the miners at Piedmont were kept at work at a time when work was scarce.

We could go on at length and illustrate in this way the impracticability of a bill like that of Mr. Wilson, but certainly the members of the Senate, who will be called to pass upon it, can easily see that it is a very crude contrivance for the adjustment of grievances. It may have its uses, and we trust it may lead to such corrections on the road at which it is understood to be specially aimed, as will take away all just ground of complaint on the part of shippers, but certainly as a piece of railroad legislation *per se*, it will not stand the test of practical experience. We therefore hope that the Senate will hesitate long and carefully before concurring in it, and thereby possibly creating an amount of trouble and confusion much greater than the grievances sought to be remedied.

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Marshall, O. S. Newberry, L.

Butler, S. G. Parker, W. F.

Brown, in a Mary E. Patterson, David

Burn, W. L. Duran, J. A.

Donahue, J. H. Hild, Miss Annie

Wiley, Peter Hunter, Clara E.

Foster, M. L. Robinson, David Henry

Hicknell, J. L. John, John

Boehm, Joseph Jordan, Louis J.

Koehl, H. J. Kline, J. E.

Lively, Hy A. Lively, William

Miller, H. B. Thompson, Stewart

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